

The Secretary of Agriculture is authorized to enter into leases for the Bieber Building, 1358 B Street southwest, and the warehouse now under construction at the southeast corner of Linworth Place and C Street southwest, for a period not to exceed ten years, provided in his judgment it is of advantage to the Government of the United States to do so. Such leases shall have the approval of the Public Buildings Commission.

Total, Department of Agriculture, \$124,774,441.

Approved, February 10, 1925.

Bieber Building,
etc., D. C.
Leases authorized for
ten years.

CHAP. 201.—An Act To authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, on the island and county of Hawaii, Territory of Hawaii.

February 10, 1925.

[H. R. 6070.]

[Public, No. 391.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. M. S. Botelho, of Honokaa, district of Hamakua, county of Hawaii, Territory of Hawaii, his associates, successors, and assigns, or such corporations as he may or they shall cause to be incorporated under the laws of the Territory of Hawaii (he or they being hereinafter referred to as "the association"), are hereby granted the right, authority, and privilege to manufacture, sell, furnish, and supply electric light, electric current, or electric power in the district of Hamakua, on the island of Hawaii, Territory of Hawaii, for lighting the streets, roads, public and private buildings, or for motive power, or for any other purpose which the association may deem advisable, and from time to time, for the purposes above mentioned, subject to the approval and supervision of the board of officials having charge of said streets or roads, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district of Hamakua, on said island of Hawaii, and to connect the said wires, lines, and conductors with any manufactory, private or public buildings, lamps, lamp-posts, or other structure or objects with the place of supply.

Hawaii.
M. S. Botelho and
associates granted right
to operate electric
plant, etc., in district
of Hamakua, island
of Hawaii.

SEC. 2. The officials or boards having charge of said streets or roads, are hereby authorized to make from time to time, change, amend, or add to, reasonable rules regulating the placing of poles, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires, and apparatus generally, concerning the manufacture and supply of electricity which may be necessary for the public safety and welfare.

Regulations to be
prescribed by street
officials, etc.

SEC. 3. All poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and other apparatus constructed, maintained or operated under, along, upon, or over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district, on the island of Hawaii, shall be so constructed and maintained and operated by the association as not to unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys, and lanes by the public.

Interference with
public use of streets,
etc., restricted.

SEC. 4. The entire plant, lines, poles, and all other apparatus and equipment shall at all times be subject and open to the inspection of the officials or boards having charge of said streets, or roads, or any officer appointed by them for that purpose.

Inspection.

SEC. 5. The association shall also have the right to maintain, use, and operate electric meters, or other means of measuring electric light,

Maintenance of
meters, etc.

power, or current supplied from time to time and to locate the same at such places as may be deemed necessary for their protection; and also to charge, receive, and collect from all consumers of electricity such reasonable prices as may be from time to time fixed and determined by the association: *Provided, however,* That power is hereby conferred upon the courts of competent jurisdiction, or any utility commission which is, or may hereafter be, created by law of the Territory of Hawaii, or of the United States, at all times and upon the petition of any consumer of electric power or lights from the said association, to hear and determine from time to time whether an existing rate or rates, are unreasonable; and if a rate be unreasonable to order the same to be decreased, and to enforce such orders by appropriate judgment or decree.

Proviso.
Jurisdiction of courts
as to rates.

Connection costs to
consumers.

SEC. 6. The association shall also have the right to charge consumers or applicants for the use of electricity, one-half of the costs and expense of making connections between the nearest line of supply and the premises where the electricity is to be used; such cost and expense to include the price of all wires, poles, insulators, and other material and labor necessary to be used in making such connections: *Provided, however,* That the said association shall not be required to make, construct, or maintain said connections as aforesaid for supplying light or power, unless the applicant therefor, if required, shall deposit in advance with them, a sum of money sufficient to pay one-half of the total estimated cost and expense of making and constructing such connections and for current for the period of one month.

Proviso.
Deposit in advance.

Right to hold prop-
erty, etc.

SEC. 7. The association shall have the right to acquire, hold, or take over, either by purchase or lease, property, both real, personal, or mixed, as may be necessary or incidental to the proper conduct of his or their business; but he or they shall not have the power or right to purchase franchises and property of any other company of like nature.

Limitation.

Mortgages, and issue
of bonds, authorized.

SEC. 8. The association whenever from time to time it shall be deemed expedient in furtherance of the objects for which this franchise is granted, shall have the power to borrow money, and to secure the payments thereof, with the interest agreed upon by the mortgage of any or all of its property, and all franchises and privileges granted or obtained by virtue of this Act, or if it is deemed advisable, bonds may be issued, secured by deed of trust of such property, and all future property acquired, as well as the income and receipts of the property from whatever source derived and in such form and upon such terms as he or they shall deem advisable: *Provided,* That nothing in this section contained shall operate to prevent the association from obtaining the usual business credits, and to make promissory notes without security: *And provided further,* That no mortgage or deed of trust shall be made by such association for an amount exceeding 60 per centum of the actual value of the physical property of such association as determined by appraisal of the Public Utilities Commission of Hawaii.

Provisos.
Business credits.

Mortgages limited.

No exclusive right
granted.

SEC. 9. It is hereby expressly provided that nothing herein contained shall be so construed as to grant to the association an exclusive right to furnish, sell, or supply the electric current for light and power, and said association and the franchise, rights, and privileges granted hereby shall be subject in all respects to such law establishing a public utility commission and such other laws of a general nature as may be applicable from time to time to electric light and power plants or companies operating them in the Territory of Hawaii, or the county of Hawaii, or their successors.

Proceedings on fail-
ure of association to
comply with con-
ditions.

SEC. 10. If the said association shall fail or refuse to do or perform or comply with any of the provisions of this Act, or the laws of the

Territory of Hawaii, or of the county of Hawaii, or the rules promulgated under section 2 of this Act, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the superintendent of public works, or any proper county or municipal officer or board, said officer or board may, with the consent of the governor and of the attorney general, cause proceedings to be instituted before an appropriate tribunal to have the franchise granted hereby and all rights and privileges accruing thereunder forfeited and declared null and void.

SEC. 11. The association shall, within one month after the expiration of each calendar year, file with the treasurer of the county of Hawaii, a statement showing the gross receipts from the sale of electric current for light and power furnished by it during such year and shall at the same time pay to the treasurer of the county of Hawaii for and on behalf of said county $2\frac{1}{2}$ per centum of the gross receipts from all electric current for light or power furnished to consumers during the year preceding.

Yearly statement of receipts to be filed.

SEC. 12. This franchise and the person or corporation holding the same shall be subject as to reasonableness of rates, prices, and charges, and in all other respects to the provisions of chapter 128 of the Revised Laws of Hawaii, 1915, creating a public utilities commission, and all amendments thereto for the regulation of the public utilities in said Territory.

Tax payable to county.

Subject to Hawaiian laws regulating public utilities.

SEC. 13. The Public Utilities Commission of the Territory of Hawaii is hereby granted power, subject to section 2 hereof, to order said association, its successors or assigns, to make extensions of its service lines whenever it shall be made to appear that said extension is a public necessity and that the total plant of said association, including such extension or extensions, can be made to earn a reasonable profit on the cost and maintenance of the same: *Provided*, That orders of the public utilities commission herein provided for shall be subject to review by the courts of the Territory as provided by law.

Extensions on order of Public Utilities Commission.

Proviso.
Orders reviewable by Territorial courts.

SEC. 14. The right hereby granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other work for manufacturing or supplying electric current for light or power or by placing poles and wiring the same, or constructing conduits and laying wires therein, in any of the streets, roads, or other places hereinbefore mentioned, for the purpose of conducting electric current for light and power, and unless the association shall actually have expended in such work a sum not less than \$5,000 within one year from and after the date of the approval of this Act.

Time limit for construction, operation, etc.

SEC. 15. That the Territory of Hawaii, the county of Hawaii, or any political subdivision thereof, may at any time and upon six months' notice in writing to the association, given pursuant to proper authority, when so authorized by the Legislature of the Territory of Hawaii, acquire by purchase all the property of the association, subject to the then existing charges thereon.

Acquirement of property by Territory, etc., authorized.

The amount to be paid to the association for such purchase shall be determined by a commission of three persons, one to be appointed by the association, or in case it should fail to do so within thirty days after having been requested to do so by the purchaser, then by the chief justice of the Supreme Court of Hawaii, one by the purchaser, and the third by the two so appointed, or in case they should fail to agree upon the third member within thirty days, then by said chief justice, any such action by the chief justice to be taken only after giving to each party notice and an opportunity to be heard, but such amount shall in no case exceed the actual value of tangible property at the time of the taking. The value of the franchise or

Purchase to be determined by commission of three.

Good will, etc., not considered.

good will or any other intangible element shall not be considered in determining the amount to be paid.

Appeal to Territorial
supreme court.
Procedure.

Either the association or the purchaser may appeal to the Supreme Court of the Territory of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the value claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents and evidence upon which the decision of the commission was based, and a copy of such decision. Upon any such appeal, the supreme court may, in its behalf, take or require further evidence to be introduced by either party and the said court shall have power to confirm, decrease, or increase the said award. Within six months after the final determination of the purchase price as aforesaid, the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance, but said association shall make all further conveyances as may be desired by the purchaser and approved by said commission or said court on appeal.

Franchise to cease on
final determination and
payment of price.

Amendment.

SEC. 16. The Congress of the United States may at any time alter, amend, or repeal this Act.

Approved, February 10, 1925.

February 11, 1925.

[H. R. 3669.]

[Public, No. 392.]

CHAP. 203.—An Act To provide for the inspection of the battle fields of the siege of Petersburg, Virginia.

Petersburg, Va., bat-
tle fields.
Commission created.

Army Engineer of-
ficer.

United States Civil
War veteran.

Confederate States
Civil War veteran.

Qualifications of com-
mission.

Inspection and report
on feasibility of pre-
serving, etc., for his-
torical study, etc.

Amount authorized
for expenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War, who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War, who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this Act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle fields of the siege of Petersburg, Virginia, and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle fields of the siege of Petersburg, Virginia, in order to ascertain the feasibility of preserving and marking for historical and professional military study such fields. The commission shall submit a report of its findings to the Secretary of War not later than December 1, 1925.

SEC. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 in order to carry out the provisions of this Act.

Approved, February 11, 1925.